

Preservation: Where Have We Been, Where Are We Going? The Evolving Role of Local Government

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*Robert Stipe, a long-time participant in the preservation movement looks back on the changes which have occurred in the field over the past 40 years. He takes a critical look at the role of the federal government in preservation, and advocates more control on the local level. To that end he has provided a checklist to help communities develop a local preservation plan. Some material in this article has been adapted from the author's chapter, "The Next Twenty Years," which appeared in *The American Mosaic*, edited by Robert E. Stipe and Antoinette Lee, published in 1987 by US/ICOMOS.*

Introduction

A useful point of departure in speculating about the future of anything is to look at the past and present - where we've been, where we are and how we got here. The future of preservation as a dimension of local planning efforts will best be revealed by a look at some of the road markers in the preservation movement itself. These include its place in the structure of local government, the things we've said society ought to preserve, what has motivated us to preserve them, who the actors have been, and past and present public perceptions about what we're doing.

Twenty years ago - which might be taken as a rough benchmark date for much of what follows - the American preservation movement stood largely apart from local government altogether. Other than a few cities in which history has always been a large part of the local heritage, such as Boston, Charleston, and New Orleans, the preservation which was accomplished was done largely in the private sector, more often than not in opposition to local government policies.

Much has changed since then. As has been the case with many local government functions in America - everything from fire protection and public utilities to planning - historic preservation found its way into the local government structure by way of the independent advisory group, which later became an official advisory commission and, most recently, a quasi-regulatory body with staff support from the official city hall family.

Today, both in terms of place and structure, historic preservation in the smaller cities and towns still tends to be on the outskirts of local government. It often consists of an independent historic district or landmarks commission with regulatory authority over design infill, additions and change, and the moving and demolition of

certain buildings. Occasionally such commissions are cloaked with the authority to acquire, preserve and dispose of certain historic buildings - acting, in other words, as public revolving funds. Medium-sized cities will often provide secretarial and staff services to the commission, usually from the planning or community development department. Even in large cities, where preservation has assumed near-departmental status (typically related to larger amenity planning or urban design efforts), such commissions still retain some authority. Thus, while the structure of preservation is still likely to depend on the size and resources of the city, it has moved steadily and, overall, rather quickly, into the mainstream of local government functions.

Now, however, "Certified Local Governments" have arrived on the scene. CLG's are local units of government certified by the state and national governments as competent (in terms of staffing, intentions, resources, etc.) to perform certain preservation functions relative to the National Register of Historic Places and the federal program that would, in the absence of such certification, be performed by the state itself. The inducement for becoming a CLG is a small dollop of federal funds and a certain amount of prestige, and the *quid pro quo* is the acceptance of federal regulations and standards for the conduct of the local preservation program. Thus, at a time when local governments are just coming up to speed in developing local preservation programs, they face at least the potential for federal domination of program priorities and content without having had an intermediate opportunity to establish their own home-grown sense of priorities.

The subject matter of preservation has also changed in the past 20 years. The movement no longer focuses so strongly on the homes and plantations of the rich and famous, "Capital A" Architecture, and period-piece

historic districts. The emergent interests now are in the vernacular dwellings of the middle classes and in the contributions of minority and ethnic groups. Preservation interests have broadened beyond dwellings to include such commercial structures as the diners of the 30s and 40s and the first McDonald's arch as well as such industrial artifacts as factories, dams, bridges, canals, and airports. The early interest in landscape preservation has expanded from gardens associated with important manor houses and Olmsted Parks to larger designed cultural and natural landscape units. Archaeology has moved from a concern with prehistoric settlements to a new interest in "urban archaeology," and it has reversed an earlier methodology based upon digging to a new ethic that prescribes not digging, but saving the site for later generations of better-equipped archaeologists.

The motives behind preservation have also changed. Two decades ago they were primarily aesthetic and patriotic. Pride of paternity and family, and history for history's sake were then the prevailing values. Now we are more sensitive socially. We are more respectful of ethnic traditions other than our own, and it is no longer fashionable to pursue only the values and traditions of the rich and famous. Diversity and separatism, as evidenced by the old slogan, "Black is Beautiful," have replaced the notion of America as the melting pot. History as told by historians is being diluted by the "cultural values" represented by the field of American Studies. So it is also with "environment."

The actors in the preservation game two decades ago were primarily front-line preservation volunteers. They were often an older generation, proud of their political wounds and bruises. Today, they tend to be younger people

with university majors or certificates in preservation studies who, with their "professional" status, are often well paid. It is said, consequently, that the passion and fire of preservation volunteers has been replaced by the cool neutrality and hand calculators of the new professionals.

The public perception in the 60s was one of a preservation movement that was essentially reactive, crisis-oriented, and politically combative. Preservation was considered essentially the frosting on the cake of public priorities. This, of course, has changed to some degree. While a leading national preservation organization bravely insists that public opinion polls now support historic preservation, common sense and the number of good buildings being demolished every week tell us otherwise. Whether preservation is now a popular cause is a matter of viewpoint. It is certainly better organized, noisier, and more influential in national, state, and sometimes local political circles than before. A federal program second to none is well-established and strong. And preservation has, until recently, been successful in important ways in the commercial real estate market as the result of its preferred tax status. But whether government tax advantages represent a public policy preference or just another "loophole" depends upon whether the recipient is the speaker or someone else.

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Presently, then, the preservation movement is in something of a state of turmoil. Should it join in the larger battle for environmental betterment or should it go its own way? Academic historians, no less self-interested than any other group in the preservation movement, argue that Clio, the muse of history, is captive to the whims of "city planners" - whose profession is typically presented in quotation marks to question their very existence.

The old values have changed. While "better to repair than replace, better to replace than restore, and better to restore than reconstruct" is still widely accepted, moving old buildings, which was once forbidden, is now widely accepted as a preservation technique. "Conservation," a technique of preventive maintenance aimed at keeping historic neighborhoods in place until they are certifiably "historic," is under fire. The argument that volunteers just get in the way is heard with increasing frequency, and the federal and state agencies responsible for preservation programs must still contend with deeply divisive underlying political environments.



Raleigh, N.C. This house has been enveloped by commercial development responding to a desirable location. "Master Plans" are of little value when they are continually modified to conform to reality, rather than wielding any actual regulatory power.

Planning, Then and Now

It is not necessary in a publication of this kind to recite the details of the early history of the American planning movement other than to remind readers that its origins and persistent underlying concerns were, until the 60s and 70s, with the physical environment, and that presently, after a 20-year hiatus, we are returning anew to this same concern.

What has also persisted from the early days of planning is the underlying notion of the importance of a "master" or "comprehensive plan" as the principal expression of local development policy. One of its principal exponents in the 50s was F. Stuart Chapin, Jr., of the University of North Carolina - Chapel Hill planning department. Based on projections of population and economic trends and aspirations, such a plan was to begin with a land use plan to project spatial arrangement and distribution of major land uses - residential, commercial, industrial - which were to be neatly fitted together, reinforcing one another functionally and aesthetically. Chapin envisioned a transportation or thoroughfare network that would hold the various districts together and provide access to each part. Other portions of the plan were discrete documents, also in map form, indicating the location and service areas of public utilities and public facilities. The 60s saw the widespread incorporation of yet another plan element dealing with housing, and a few planners began to look creatively at the flip side of the development process to deal with conservation issues. These included the preservation of open space and natural areas.

At least conceptually, the implementation of such plans was simple. An array of specific tools was available. The municipality would review proposed capital improvements for compliance with the plan, and use its discretionary power over the extension of public facilities, utilities and services as a control device. It would also use its regulatory authority, most often zoning, to move the pattern of land uses toward compliance with the plan as development took place. Nonconformities, or preexisting land uses in the wrong place, were grandfathered in, the theory being that they would dry up and blow away over time. "The Plan" and the development pattern would in time become one.

This approach played well in planning schools, but failed in execution. The principal reason for failure was that the plans of the day were based on a rational (profit) model alone, but development on the ground was essentially a response to a mix of profit and political considerations - opportunistic and *ad hoc*, rather than rational. As one of the great American planners, Hugh Pomeroy, put it later, "The Plan became a pious, four-color illustrated letter to a planning Santa Claus who never

existed." Nonetheless, the plan, when combined with lip-service to the concept of planning, made both citizens and elected officials feel good until the plan and political expediency came into conflict. At this point, the plan would be revised, re-done, or ignored altogether - in the latter case, once again rationalizing existing development, however bad, into the new plan. Unlike other western democracies that do not draw a distinction between the plan as a policy statement and the plan as regulation, American politicians have usually seen fit for the most part to follow the easier course.

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Eventually, the concept of the plan as something specifically concerned with physical development, gave way in 60s to a new era of "policy" plans. These plans emphasized the new social and economic concerns of the 60s and 70s, zeroing in on housing, education, poverty and center city concerns. Neighborhood planning and public participation became fashionable, as outgrowths of new consumerist attitudes and a shift toward ward rather than at-large representation following the new one-man one-vote mandate. Planning as a process tended to replace the plan as a goals statement. Zoning continued, of course, but more as a game with property owners and developers on one side and existing residents resisting change in their neighborhoods or suburban subdivisions on the other. Zoning still had relatively little to do with comprehensive planning. "Flexibility" in the form of special or conditional use permits, floating zones, planned unit developments (PUDs), and the like tended to replace rigid, traditional concepts of "the district," with its hard and fast dimensional and use restrictions.

What About Planning Present?

It isn't possible to generalize very much about the process of local government planning. This is a big country, and fortunately there remains plenty of room for experimentation. The typical American planning board is still most often an appointed advisory body to the governing board, and has little or no authority to tax, spend or regulate. It may have some administrative review responsibilities for subdivision approvals, urban renewal plans and PUDs, for example.

However, there is reason to believe that professional planners are beginning to re-focus on the physical, as opposed to social and economic, aspects of

urban development, or at least to bring them into better balance. Planners are a trendy lot, and many are now showing an interest in historic preservation. This is partly because of the convergence of the national Main Street programs with yet another "new" focus on reviving downtown and the inner city, and a relatively new concern in politics with issues like neighborhood quality and livability. At the same time, the old physical development-oriented "comprehensive plan" has returned, perhaps mostly as an outgrowth of interest in growth management technique. But now two new possibilities have appeared as candidates for inclusion in the comprehensive plan. One is the historic preservation plan (which sometimes reappears under another name, such as urban conservation), and the other is the urban design or townscape plan.

What Is A Preservation Plan?

The last round-dozen planners to whom I posed this question were unable to respond, making this a more important topic to address than it might at first appear. Both the concept and the process are very simple. Historic buildings and other cultural resources are located, mapped, photographed, and otherwise documented. Thereafter, they are evaluated against specified national, state or local criteria, and "listed" or "registered" as landmarks. Neighborhoods are surveyed, evaluated and registered in essentially the same way. Those that pass the test become eligible for special zoning or "historic district" designation. All of these measures are intended to protect them against destruction or inappropriate change through private or public action.

A "preservation plan", may be implemented through a series of actions:

First: The proposed preservation plan is officially adopted as a component of the official city plan by resolution or ordinance of the local governing board. It is at this time given the same official policy status as the land use, transportation, housing, and other elements of the comprehensive plan. A bill specifically encouraging such action will be presented to the 1989 North Carolina General Assembly for its educational or hortatory value, even though it is probably not needed from a legal standpoint.

What is important is that the adoption of a preservation element in the local plan should specify that in the unlikely event of conflict with other elements of the comprehensive plan, the historic preservation plan will take precedence.

Second: The adoption should be followed by an Executive Order of the mayor and/or manager, explicitly requiring each city department to give special attention to the needs of any historic resource under its jurisdiction.

Third: The adoption resolution should specify that all public projects, regardless of type, undertaken or permitted by the city (and/or the state or federal government) that might have an adverse effect on any listed historic resource will be subject to review and comment by the local planning agency.

Fourth: All private projects coming in for planning agency review by way of either a voluntary or regulatory process would receive the same scrutiny, with permits denied (where permitted) or appropriate conditions attached (again, where authorized). Very few of our local governments in North Carolina have NEPA [National Environmental Policy Act of 1969]-type regulations, which go beyond standard federal and state environmental impact statements. These can be quite effective if properly handled.

Fifth: The preservation plan would identify capital needs, for the local equivalent of the former federal Acquisition and Development grants to individuals, below market rate loans, or local revolving fund contributions. These are forms of preservation assistance through the front door. Local appropriations for general neighborhood improvement grants would also be appropriate. In this way, preservation projects become part of the long-term capital budget. Various forms of back-door tax deferral and abatement schemes would also have a place here.

Sixth: The plan would identify annual maintenance costs for things like streets, protective services, social services, schools, environmental improvements, recreation, tree care and management, and day care. These needs, met through the city's annual operating budget, would help improve the quality of life in historic neighborhoods or districts, even if they did not go directly to the fabric of old buildings.

Seventh: The two previous examples speak to the capital and operating costs that favor the needs of individual residents in historic neighborhoods. There will, however, always be a few buildings that would be better preserved if owned and maintained by the local government. A proper preservation plan would specifically identify these.

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Eighth: The preservation plan would identify appropriate areas where uncompensated regulation is the best approach. These fall into two broad categories. The first of these addresses the problems of building additions, infill, demolition, and new construction in historic neighborhoods - the sorts of regulation involved in what we

now accept as the "normal" design-review process for historic areas or structures. A second set of regulatory activities would deal with area zoning (intensity, use, off-street parking, etc.); health and sanitation; building construction and housing maintenance; the control of vacant lots; the care and maintenance of trees; undesirable land uses; earth moving and disturbance, and other activities best dealt with through regulation.

Ninth: The plan would identify special conservation areas or districts in which special planning and design efforts are needed to help them continue functioning. Many fine neighborhoods have been lost prematurely because their needs were not met at that critical point when they could have gone either way. I think of these types of areas as pre-natal historic districts that have a much broader base of associative values. As defined in another bill that will also be put up to the 1989 General Assembly, these are areas:

"...that possess form, character, and visual qualities derived from arrangements or combinations of topography, vegetation, space, scenic vistas, architecture, appurtenant features, distinctive natural habitats, natural formations, or places of natural or cultural significance, that create an image of stability, comfort, local identity, and livable atmosphere."

Note that architecture is placed in a larger environmental context, and that history, as an associative value, is not specifically mentioned except as a place of "cultural" significance. Also worth noting is that these areas would not come in for any special regulations which were not already available in non-historic districts or areas.

What is significant about this plan element is that in concept and procedure it is essentially no different than other elements of the comprehensive plan - with one exception. The data base for most urban plans is basically public information. The preservation plan will have two elements that must be kept within the office. One is the location of archaeological resources, which must be protected from the depredations of treasure hunters with metal detectors. The other is the priority schedule that ranks buildings from high to low in order of importance. Experience tells us that to identify any building below grade one is, in effect, to issue a hunting license for it.

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Such a plan can stand as an independent local effort or activity; its greatest potential, however, is the strength it both borrows from and contributes to the urban

general plan. There are certain dangers in other approaches to planning - for example, the currently fashionable "strategic planning" approach which singles out a discrete problem and runs with it to whatever "solution" is politically acceptable. This may win good publicity and make friends for planners, but it carries the seeds of opportunism and cooperation-with-the-inevitable that historic preservation in particular needs to shed.

Preservation Planning and the Federal Government

The national historic preservation program, which is managed by the National Park Service (NPS) in the Department of the Interior and State Historic Preservation Officers appointed by the governors in every state, is presently asking itself questions about the future of preservation planning. Internally, for purposes of planning federal and federally-subsidized or licensed projects, NPS evolved its own planning system that was as necessary as it was inevitable. Despite much controversy and conflict with the states, the system is firmly in place. Now the question is whether NPS should encourage local government preservation planning of the kind discussed in this article. Should federal funds be used to subsidize such planning? Should it force local governments to plan? All these options are possible. But there will be some real problems when the federal government becomes involved in any of them.

First, there will be an almost inevitable tendency for localities to automatically use the Register criteria, standards and planning procedures. Many local governments, either on their own or pursuant to state law, have already adopted these federal definitions and guidelines as the standard or trigger for other local actions. This has sometimes resulted in problems of appropriateness that are most charitably described as "horrendous."

Next, the concept of the "historic district" must be sorted out. Many cities and towns already have two or more types of historic districts, one a National Register historic district, the other a local zoning historic district. The boundaries of these districts are not necessary coterminous with one another and programmatically they are very different. One supports a local regulatory design review process; the other is part and parcel of a federal planning or environmental monitoring and mediation process. The "local" designation is aimed at regulating the design and construction, moving, and demolition of buildings through uncompensated regulations adopted by the city. Local property owners in one, another, or both districts cannot always understand why they qualify in one case and not the other. Nor can they contain themselves easily when they receive one decision regarding a certificate

of appropriateness to proceed with construction from a local historic district board, and another decision from the state and federal preservation apparatus regarding tax credit certification - especially when both applications are based on identical plans.

A parallel problem is that in any given town there may exist both National Register and National Historic Landmark buildings that may or may not match the list of those designated as landmarks pursuant to a local ordinance. The federal designation is aimed at protecting local buildings or environments from the harmful effects of federal projects via Section 106 of the National Historic Preservation Act, or providing federal tax benefits pursuant to the federal tax code. Confusion often reigns.

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A third problem is the American tradition, firmly established in state laws, of handing over the task of administering many local regulations involving the use of property to part-time volunteer officials appointed by the governing board. This is a very serious problem in smaller towns and other jurisdictions where professional planning, legal or other technical assistance is not readily available to the board. The result is often a pronounced tendency toward arbitrary or casual decisions, unaccompanied by the procedural assurances and documentation that the courts have come to insist upon when appeals are taken from local decisions. In many states, appeals from a local historic district or landmark decision would normally be to a court, and limited to procedural grounds alone. However, both the initial review and appeals on tax credit applications are made by full-time professionals in state historic preservation offices and in the regional and Washington offices of the National Park Service - not so much on procedural but on substantive and design grounds. In such a setting it is not at all surprising that a property owner might receive conflicting signals regarding the same project.

Still other problems are tied to this one. For example, the ultimate purpose of local historic district regulations is the preservation of the entire district or neighborhood, the *tout ensemble*. However, the Secretary of the Interior's Standards for Rehabilitation are not very helpful because they put almost all their emphasis on the individual building and have little to say about the larger environment. The point is that standards and guidelines prepared for one purpose by one level of government will

often fail to work very well when applied to another purpose by another government.

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The state-local areas of tension and conflict are not very different from those afflicting the state-federal scene, and again are based as much on perceptions and attitudes as anything else. They stem from an infrequent but nonetheless real phenomenon called "help from above." Whether perceived down the line as mere paternalism or as an exercise of raw authority from a superior, the consequences can be both serious and lasting. The conflict originates, in many instances, in state laws providing for state review or approval of many local preservation regulatory activities or state grant-in-aid projects. In all these situations, local preservationists and property owners tend to be impatient, and to find the required reviews and approvals slow, tedious, and picky. The local attitude about this problem is summed up in the much-worn aphorism still heard often at local preservation meetings, "The federal government has the money, the states have the power, and the local governments have the problems." You have all heard the three greatest lies: "The check is in the mail;" "Yes, darling, I will respect you in the morning;" and, "I'm from the federal government and I'm here to help you."

The Outlook

It is too early to tell what will come of the new Certified Local Government program. It remains to be seen, for example, whether the states, who have been saying "trust us" to the managers of the federal program, can develop a comparable degree of trust toward local preservation efforts. States must freely delegate to cities and counties the real authority and responsibility they will need under the expanded partnership. It is also no secret that local politics can be even more intense and manipulative than those at state and federal levels. Consequently, the outlook for local preservation planning, and policy decisions based on sheer rationality is even less positive than elsewhere, notwithstanding the extra federal money allocated under the program to pay for professional services.

The designation of conservation areas is a new approach which will spawn some other problems. In conservation areas, the time span required to achieve "significance" is compressed. Conservation areas are not

limited to neighborhoods of obvious age, certifiable historic importance or architectural value, but include places that are merely middle-aged and which have only begun to acquire or display the patina of age. The essential associative values have as much to do with the landscape, pathways and spatial structure of the place as with the buildings, and the design guidelines are more likely to be derived from the work of designers like Christopher Alexander than any architectural style book. The emphasis is on creating respected and familiar places to be used and enjoyed by people. The hope for such districts is that if it is protected early enough, an area of merely potential importance by traditional norms will one day qualify, as one writer has put it, as a "genuine" historic district. These are the types of areas I described above as "pre-natal" historic districts. The British now have more than 5,000 of them in place as an outgrowth of the Civic Amenities Act of 1966.

Old pros in the preservation movement, brought up on early editions of Sir Banister Fletcher's *History of Architecture on the Comparative Method*, decry such modernist approaches that de-emphasize buildings. It is not surprising to hear the plea of historians to "put the history back in historic preservation." Others belittle the alliance between preservation and planning. Each innovation has its detractors. But just as the American preservation movement of 1966 was not that of the time of Ann Pamela Cunningham and Mount Vernon, so it is not today what it was in 1966.

The concept of America as the "Melting Pot" had begun to disappear by 1966, and a new emphasis on separatism, ethnic pride and distinct racial identity had begun to appear.

The new focus on preserving "people-values" poses special problems. Not only has the American preservation movement been opened up and democratized since 1966, it has added a social conscience to its traditional concern for the physical world and material culture. It poses some very fundamental questions for the preservation movement.

First, as mentioned earlier, the concept of America as the "Melting Pot" had begun to disappear by the time of the 1966 Act, and a new emphasis on separatism, ethnic pride and distinct racial identity had begun to appear. This revisionist approach to history and to preservation was seen as a challenge to the traditional American cultural expectation of an long-term, evolutionary national cultural homogeneity. Many probably still see it as a challenge to national unity as well. The ethnic history, settlement and character of neighborhoods has always been a factor of significance in National Register district nominations,

although not a dominant one. The Little Italys and Chinatowns of the country are the obvious examples. The increasing importance of ethnicity as an associative value of was facilitated by the emergence of thematic and multiple-resource nomination procedures during the mid-70s. Presently, it is estimated, there are approximately 250 National Register districts having ethnic character, and 1,000 individual nominations of like kind.

The planning process presents even more troublesome issues when we seek to preserve ethnicity as well as physical fabric. At what point does an ethnic neighborhood lose its integrity as a specially designated and protected place? When the original population dies or disappears, or when it is diluted by newcomers to the point where the characteristics that led to its designation no longer exist? Must such a neighborhood or district maintain a certain percentage of certifiably ethnic residents to maintain its "eligibility?" What percentage? Who decides? And most troubling of all is the potential for such standards to operate in the manner of a quota system which attempts to determine which minorities have been the first and worst sufferers. It has been said that attempting to put social policy in place through planning and regulatory measures is roughly equivalent to trying to nail a chiffon pie to a wall. In this area there clearly remain unresolved issues to which neither the preservation community nor any level or unit of government has yet to find acceptable answers.

How about the intangible cultural heritage, which some say we should better address? Tough decisions are involved in any new emphasis on people and lifeways. Social impact assessments under the National Environ-



Wilmington, N.C. This house has fallen victim to neighborhood deterioration. The designation of "conservation areas" is an effort to help prevent the decline of potentially important areas, deferring judgement on their value to future generations.

mental Policy Act are not a new idea; "cultural equity" is an important concept. Yet the question arises of what is possible, as well as questions about what government should do. Local governments have a tough enough time with buildings. There were objections to listing the black historic district East Wilson, N.C. at a recent meeting of the state professional review committee for National Register nominations. The underlying problem is the old one: Should government limit itself to protecting the system and providing equal access to it, or should it go beyond this and attempt to equalize the opportunities for politically favored constituencies? Can it do so for anyone without destroying opportunity for everyone? These issues have a way of arising in disguised form at local budgetary or zoning variance hearings. Yet these questions all do influence local planning and preservation planning, whether they are recognized or not.

Some of the problems are fundamental. For example, there may be a substantial question as to whether the zoning-enabling legislation in the 50 states and territories would have to be amended to include social and ethnic concerns as a proper basis for historic district or landmark designation. Most enabling acts specifically address themselves to the physical corpus of neighborhoods and districts, and not to their ethnic and social fabric. Whether individual state courts would support such a move, accustomed as they are to justifying historic district legislation on grounds of aesthetics, the maintenance of property values, tourism and the like, is also open to question.

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This is another way of stating the obvious: that each political jurisdiction will have its own priorities, and that at any level of government support for preservation comes down to a question of whether the underlying votes are those of reasonably well-off white Anglos, whose basic needs for food, shelter, and education are already met, or whether they are the votes of minority interests or the ethnic poor on the lower rungs of the economic ladder to whom a job and a roof are the highest priorities.

Development and real estate industry interests presently support preservation. But as others have pointed out, it is the money that counts, and that support is not necessarily enduring. For reasons having everything to do with interest rate changes and technical distinctions between passive and earned income appearing in the 1986 tax reform law, and nothing to do with historic

preservation, applications for tax act certifications are already off by 50% or more in 1987. The political reality is that historic preservation itself has always been - and will probably always remain - the frosting on the political cake in almost every political venue. It will remain so unless and until the preservation movement can bring the business and the social implications of preservation into better focus for both politicians and the public. Much has been done since 1966, but this still remains as the principal incomplete task before us.

Planning Is Changing, Too . . .

Until recently, the administration of land use controls and growth management schemes was seen as a local matter, best approached through zoning, annexation, and extraterritorial land development controls. These familiar techniques are all based on powers delegated to local governments by the state. This is changing, if not rapidly, at least steadily, and we find an increasing number of states that are in effect repossessing conservation and development controls from local authorities. This is especially common in coastal and other environmentally sensitive areas, and in situations where new developments are regarded as so large or substantial as to have region-wide impacts. It is clear that within a decade or so many local regulatory and public investment programs will be turned over by the states to regional planning authorities or shared with them. These changes will happen whether or not the preservation community wishes them to, and preservation is going to have to learn to be effective at these new levels.

Most county governments are rural governments with extensive obligations and limited resources.

There has been much good preservation work at regional levels already. The Georgia State Preservation office has provided technical preservation assistance for many years to localities throughout the state through regional planning agencies. In an increasing number of states we find cultural resources inventories and surveys becoming more important as aspects of regional land use planning efforts. Vermont, Florida, California, Kentucky and others have begun in recent years to approach growth management and planning, with historic preservation as an important component, on a regional basis.

Preserving rural areas and landscapes has already emerged as one of the most essential but difficult of all preservation tasks. The heart of this problem is that the outlook for the profitable, adaptive use of many important

rural buildings and landscapes ranges from poor to terrible throughout the country. The planning and regulatory jurisdiction of cities does not reach easily into rural areas, and most county governments in the United States are rural governments with extensive obligations and limited fiscal, technical and administrative resources. They also have fundamentally different views about land use regulation, preservation and outside visitors than are to be found in cities.

Rural governments are faced with heavy burdens of responsibility for schools, roads, care of the poor, and other basic services, yet they often lack the prosperity, tax base or federal subsidies to deal with them. Thus, as a general rule, they must be considered unlikely partners in the preservation endeavor. Worse, federal programs and policies seriously adverse to preservation are still in effect in rural areas. County planning is quite different from city planning, and recognition of those differences is essential if the federal government is going to reach out to rural areas.

If my assumption that the content of local programs will change in time to incorporate new notions about "culture" and "heritage" proves correct, and the concept of designating conservation areas takes off, local planning and preservation programs will be in the difficult position of having to follow two seemingly divergent paths at the same time. One will be to maintain the integrity of the traditional lists and the listing process, and to maintain established norms of artistic, design and craft tradition in buildings. At the same time, national, state and local preservation programs will all have to display increased sensitivity to changing concepts of significance that have less to do with maintaining the artistic and stylistic integrity of buildings than they do with enhancing the quality of the larger environment for daily living. This is not to say that one objective may be substituted for the other; both will have to be pursued at the same time.

Deciding What to Save

As the scope of things worth preserving is broadened, this task will have to be approached with special care. Choosing something to be preserved is a relatively easy matter when you are down to the last surviving Greek revival building in the county. It is more difficult when the local inventory contains more than 50 Art Deco buildings and the politics or the economics of the situation permit the listing of only 10. Not only will the range of important historic resources be more inclusive stylistically, but the supply of resources may be more plentiful and the choices more difficult. And as the concept of significance broadens, as surely it will, to include, for example, ethnic values, the choices to be made will be increasingly influenced by political factors and less by scholarly ones. As programs expand to encompass intangible cultural

resources, difficult choices will have to be exercised to choose the best fiddlers from all those up the valley. Complex judgments involving skills not possessed by the traditional custodians of our existing preservation machinery will be required to decide which cultural, scenic or historic landscapes should be singled out for special treatment.

This brings us to some of the potential legal problems. First, preserving anything sooner or later involves some element of public expenditure, public regulation, or other governmental process affecting citizens and their traditional rights to reasonable freedom in the use of their property. There is a level of importance, termed "public purpose," by state and federal constitutions (a phrase ultimately to be interpreted by the courts), that must be attained before public subsidy or intervention will be tolerated. If it is decided, for example, that a particular rural landscape is to be preserved in part through regulation, there must be compelling evidence of a public purpose or benefit. Translated, this means that there must be strong and demonstrable public support for any actions of the preservation community. Presently, neither the public nor the courts would be easily persuaded that a 1950s diner or roadside tourist cabin is worth preserving through regulation or public subsidy. Much of the public still sees preservationists as wanting to "save everything," thus educational efforts and campaigns aimed at gathering public support for preservation are no less necessary now than they were in 1966. They will be even more important as time goes on.

...preservation programs will have to display increased sensitivity to...enhancing the quality of the larger environment for daily living.

The basic purpose of any well-grounded planning system, whatever the effort, is to ensure that program goals and objectives remain in sight and to serve as a point of reference against which progress toward those goals can be met. A planning system becomes even more important in the political process of allocating scarce dollars "fairly" to all the players in the game. The Resource Protection Planning Process (recently renamed "comprehensive planning"), about which so much controversy has swirled in recent years, is an excellent start in the right direction for both purposes. However, any federal planning process - especially one that may be extended to become the basis for local preservation planning - must recognize and respect not only the tender political situation of the state historic preservation office, but the increasingly important role of political decision-making at the local level.

In short, the process must also accept the need for a substantial degree of freedom from the constraints of the plan. If it is to be useful, it must recognize that once past national historic landmarks, what is worth saving can only be defined by local preferences, with or without the help of scholarly or expert judgment. Both federal and state governments still have much to learn about trusting the judgment of local people. Perhaps what local people believe should be preserved should be preserved, whether or not local preferences fit neatly into the preconceived historical themes or study units prescribed by planners.

Potential Stumbling Blocks

A major challenge at the local level will be to hold the line regarding owner consent for listing. Ours is virtually the only preservation system in the world that gives preference to the wishes of the temporary owner rather than to expert scholarly judgment. But the underlying issue, I sometimes think, has less to do with expertise than with trust. The American political system simply does not yet repose full or sole trust in government-paid experts. An argument can be made that the best answer lies not with allowing the experts to make the judgment for some purposes and the owner for others, as at present, but with the establishment of a process in which both the owner, the experts, and perhaps the community itself arrive at a collective or consensus judgment.

There is a special aspect of local planning where any support from any source would be most welcome, in my opinion. That is the special educational needs of preser-

vation commission members in matters related to legal procedure and design decision-making. This problem has been discussed for many years and little has been done about it. The national organizations with responsibilities in this area have simply not produced what is required, given the insistence of the courts for ever higher standards of performance in procedural matters. Since the number of design review boards and commissions tends to double once each decade, we fall further and further behind.

Another local challenge that must be faced is to do a better job with local regulatory programs. If, in the future, public funding for preservation, direct or indirect, is going to be harder to come by, it stands to reason that we are increasingly dependent on the less expensive alternatives of planning and uncompensated regulation. We now have many more zoning historic districts than in 1966, but their administration is not necessarily better. Still, the inherent weaknesses in the American regulatory approach are no different than elsewhere around the world. The most obvious weakness is that the process is essentially benign; nothing happens until the owner needs a permit to do something on the property. Hardship variances are often too easy to obtain, the regulations typically cannot go inside the building to save valuable interiors, and all too often, design standards and criteria are mindlessly copied from one place to another without regard for the local situation. An even more troubling problem stems from the exasperatingly high procedural standards demanded by the courts of a quasi-judicial agency to be met by local boards composed of part-time, volunteer lay citizens. Again, the principal unmet need in this area is for extensive and continuing training.



The focus of the preservation movement has changed over time with society's interests. In the early 60s, much of the focus was on the dwellings of the influential, and the beautification of the city. Many buildings which did not meet these criteria were removed under the name of urban renewal.

...support from any source would be most welcome, in [addressing] the special educational needs of preservation commission members in matters related to legal procedure and design decision-making.

The task presented by landmark and historic district regulations of merely reviewing and responding to the proposals of individual owners is essentially negative. One would hope that this could eventually take a more positive turn and, as suggested earlier, begin to feed into the public investment and day to day environmental maintenance operations of local governments. The likelihood of this will depend on the extent to which these independent preservation agencies or commissions can be brought into the local government family.

Local preservation programs must not only come into the family, but also become more aggressive partners in the local land use planning process. At the same time preservationists must demand more of the local planning departments themselves. For example, one glaring area of weakness has been the failure to require developers to identify, and take archaeological and historic sites into account in site design, and engineering plans, before construction takes place. In almost every state this is simply a matter of will, requiring no additional enabling authority.

The advance disclosure and review process of plans for public projects now reaches down to cover many state funded and licensed projects, but it needs to reach still further to cover local projects. This is the last gap. Unfortunately, local governments themselves, along with churches and universities, still tend to be the constant enemies of preservation. Thus, the 1974 provision of the CDBG program which designated the local government beneficiary as the responsible federal official for environmental review purposes, effectively puts the fox in charge of the chickens. This will have to change.

Where Do We Go from Here?

Clearly, we are at a critical juncture. It seems to me, on the basis of the evidence presented, that there are limits to federal involvement in local planning. The country is too big and local circumstances entirely too diverse for anything more than general advice and for technical and financial support for whatever local preservation planning the local people see fit to undertake. There can be no hoops to jump through, no "conditions" on financial assistance.

By the same token, I don't see the kind of assistance needed coming from the state historic preservation offices. Most of them are already overworked and underfunded, and, in any case, have little expertise or experience to contribute to the land use planning process at the local level.

In my opinion, that which could be usefully provided by the federal government is limited. The best possibilities include federal subsidies for training courses carried out by state agencies expert in planning matters and procedures in each state and demonstration studies of the kind we saw 20 years ago in Providence and New Orleans. The old HUD Section 701 Planning Assistance Program from the Housing Act of 1954 may have some value, since there are some strong parallels between the kinds of local planning efforts turned out by that program and what is needed in the way of preservation planning at the local level today. There may be a role for the National Trust, although this seems to me unlikely; the Advisory Council for Historic Preservation may be better placed.

In all, I feel that this is an area where restraint on the part of the federal government must be exercised. We must recognize the overriding interest of having preservation planning done at the initiative of local governments, and support them both in word and deed as we go forth in the name of preservation. □

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